



Crl.O.P.(MD)No.22140 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.22140 of 2025

and

Crl.M.P.(MD)Nos.19061 & 19062 of 2025

1.G.Anbuselvam

2.M.Theivam

3.Jeyaprakash

... Petitioners

Vs.

State of Tamil Nadu
Rep. by the Inspector of Police,
Prohibition and Excise Department,
Srivilliputhur,
Virudhunagar District.
(S.C.No.98 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the Charge Sheet in S.C.No.98 of 2023 on the file of the Subordinate and Assistant Sessions Court, Srivilliputhur, Virudhunagar District for the offences under Sections 4(1)(aa), 4(1-A), and 24 of TN Prohibition Act and Section 188 of Indian Penal Code, 1860 and quash the same as illegal as against the petitioner.

For Petitioners : Mr.T.Bashyam,
Advocate

For Respondent : Mr.Thanga Aravindh.B,
Government Advocate (Criminal Side)



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ORDER

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Seeking to quash the final report in S.C.No.98 of 2023 on the file of the Subordinate and Assistant Sessions Court, Srivilliputhur, Virudhunagar District, for the offences under Sections 4(1)(aa), 4(1-A), and 24 of the Tamil Nadu Prohibition Act and Section 188 of the Indian Penal Code, 1860, this Criminal Original Petition has been filed.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The learned counsel for the petitioners submitted that the First Information Report in Crime No.424 of 2020 came to be registered against seven persons, including the petitioners herein, who are arrayed as Accused Nos.5 to 7. The allegation of the prosecution is that the petitioners facilitated the Vidiyal Recreation Club for the purpose of selling illegally procured liquor bottles and that the said club had a permit for selling liquor. It was further alleged that Accused Nos.1 to 4 procured liquor bottles from Accused Nos.5 to 7 and sold the same. However, the allegation of the prosecution that atropine was mixed with the liquor and sold for higher profit to customers has nothing to do with the petitioners, and they had no role in the said sale.



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4. Per contra, Mr.B.Thanga Aravindh, learned Government Advocate (Criminal Side), submitted that there was a complete nationwide ban on the sale of liquor during the COVID-19 period and that neither TASMAC shops nor private bars were permitted to sell liquor during that time. Hence, the offence was committed during the period of prohibition, and on that premise alone, the petitioners are liable to be prosecuted and must face the trial.

5. In view of the above, I do not find any merit in the present petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition in Crl.M.P.(MD)No.19061 of 2025 is closed.

6. However, considering the facts and circumstances, the personal appearance of the petitioners before the Trial Court is ordered to be dispensed with, on conditions that they shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351 BNSS, and at the time of passing judgment and on all the hearings, specifically directed by the learned Trial Judge.



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7. The petitioners shall appear before the Court in the event their presence is insisted by the learned Trial Judge for the purpose of identification. If the petitioners adopt any dilatory tactics, it is open to the learned Trial Judge to insist for their appearance and deal with the petitioners in accordance with the law laid down by the Hon'ble Supreme Court of India, in the case of ***State of UP vs. Shambunath Singh¹***.

11.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
mkn

To

1.The Subordinate and Assistant Sessions Court,
Srivilliputhur, Virudhunagar District.

2.The Inspector of Police,
Prohibition and Excise Department,
Srivilliputhur, Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

¹ 2001 (4) SCC 667



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L.VICTORIA GOWRI, J.

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